



Order Filed on January 23, 2020  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

Andrew T. Archer, Esquire  
175 Richey Avenue  
Collingswood, NJ 08107  
(856) 963-5000  
005272008  
Attorney for Debtor(s)

In Re:

Kenneth M. Butler and Kathleen M. Butler,  
  
Debtor(s).

Case No.: 17-24718

Chapter: 13

Judge: JNP

**ORDER ON MOTION FOR AUTHORIZATION  
TO ENTER INTO FINAL LOAN MODIFICATION AGREEMENT  
(CHAPTER 13)**

The relief set forth on the following page is **ORDERED**.

**DATED: January 23, 2020**

  
\_\_\_\_\_  
Honorable Jerrold N. Poslusny, Jr.  
United States Bankruptcy Court

The Court having reviewed the Motion for Authorization to Enter into Final Loan Modification Agreement filed on January 7, 2020, as to the first mortgage [*enter first, second, third, etc.*] concerning real property located at 248 Nabb Ave., Millville, NJ 08332, and the Court having considered any objections filed to such motion, it is hereby ORDERED that:

☒ The debtor is authorized to enter into the final loan modification agreement.

1) The loan modification must be fully executed no later than 14 days from the date of this order. If it is not, the secured creditor, within 14 days thereafter, must file with the Court and serve on the debtor, debtor's attorney, if any, and the standing trustee a Certification indicating why the agreement was not fully executed. A response by the debtor, if any, must be filed and served within 7 days of the filed date of the secured creditor's Certification; and

2) Upon the filing of the Certification required above, and absent a response from the debtor, the standing trustee may disburse to the secured creditor all funds held or reserved relating to its claim. Absent the filing of the Certification within the time frame set forth above, the standing trustee will disburse funds on hand to other creditors pursuant to the provisions of the confirmed Plan and any proof of claim filed in this case with respect to the mortgage is deemed modified and incorporated into the Loan Modification Agreement; and

3) Unless the debtor's Plan has been confirmed with 100% paid to unsecured creditors, the debtor must file a *Modified Chapter 13 Plan and Motions* within 14 days of consummation of the loan modification. If the loan modification results in material changes in the debtor's expenses, the debtor must also file amended Schedules I and J within 14 days of the date of this Order; and

4) Check one:

☒ There is no order requiring the debtor to cure post-petition arrears through the Plan; or  
☐ Post-petition arrears are capitalized into the loan modification agreement, and the Order filed on \_\_\_\_\_ requiring the Standing Trustee to make payments based on the arrearage is vacated as of the date of this order; or

☐ Post-petition arrears have not been capitalized into the loan modification agreement, and the Standing Trustee will continue to make payments to the secured creditor based on the Order filed on \_\_\_\_\_; and

5) If fees and costs related to loss mitigation/loan modification are sought by the debtor's attorney, an Application for Compensation in compliance with D.N.J. LBR 2016-1 must be filed.

☐ The Motion for Authorization to Enter into Final Loan Modification Agreement is denied.

new.12/17/19

## Certificate of Notice Page 3 of 3

United States Bankruptcy Court  
District of New JerseyIn re:  
Kenneth M. Butler  
Kathleen M. Butler  
DebtorsCase No. 17-24718-JNP  
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0312-1

User: admin  
Form ID: pdf903Page 1 of 1  
Total Noticed: 1

Date Rcvd: Jan 23, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 25, 2020.  
db/jdb +Kenneth M. Butler, Kathleen M. Butler, 248 Nabb Ave, Millville, NJ 08332-4930

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jan 25, 2020

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 23, 2020 at the address(es) listed below:

Andrew Thomas Archer on behalf of Joint Debtor Kathleen M. Butler aarcher@spillerarcherlaw.com,  
bankruptcy@brennerlawoffice.com;r64966@notify.bestcase.com  
Andrew Thomas Archer on behalf of Debtor Kenneth M. Butler aarcher@spillerarcherlaw.com,  
bankruptcy@brennerlawoffice.com;r64966@notify.bestcase.com  
Brad J. Spiller on behalf of Debtor Kenneth M. Butler bankruptcy@brennerlawoffice.com,  
aarcher@brennerlawoffice.com  
Brad J. Spiller on behalf of Joint Debtor Kathleen M. Butler bankruptcy@brennerlawoffice.com,  
aarcher@brennerlawoffice.com  
Denise E. Carlon on behalf of Creditor M&T BANK dcarlon@kmlawgroup.com,  
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Isabel C. Balboa ecfmil@standingtrustee.com, summarymail@standingtrustee.com  
Isabel C. Balboa on behalf of Trustee Isabel C. Balboa ecfmil@standingtrustee.com,  
summarymail@standingtrustee.com  
John R. Morton, Jr. on behalf of Creditor Wells Fargo Bank, N.A., d/b/a Wells Fargo Dealer  
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Rebecca Ann Solarz on behalf of Creditor M&T Bank rsolarz@kmlawgroup.com  
Rebecca Ann Solarz on behalf of Creditor M&T BANK rsolarz@kmlawgroup.com  
Robert P. Saltzman on behalf of Creditor M&T Bank dnj@pbslaw.org  
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 12